

(3) to expand the market for the products of Indian art and craftsmanship in accordance with section 2 of the Act of August 27, 1935 (49 Stat. 891, chapter 748; 25 U.S.C. 305a) (commonly known as the "Indian Arts and Crafts Act").

#### SEC. 6. VOLUNTARY RETURN OF TANGIBLE CULTURAL HERITAGE.

(a) LIAISON.—The Secretary and the Secretary of State shall each designate a liaison to facilitate the voluntary return of tangible cultural heritage.

(b) TRAININGS AND WORKSHOPS.—The liaisons designated under subsection (a) shall offer to representatives of Indian Tribes and Native Hawaiian organizations and collectors, dealers, and other individuals and organizations trainings and workshops regarding the voluntary return of tangible cultural heritage.

##### (c) REFERRALS.—

(1) IN GENERAL.—The Secretary shall refer individuals and organizations to 1 or more Indian Tribes and Native Hawaiian organizations with a cultural affiliation to tangible cultural heritage for the purpose of facilitating the voluntary return of tangible cultural heritage.

(2) REFERRAL REPRESENTATIVES.—The Secretary shall compile a list of representatives from each Indian Tribe and Native Hawaiian organization for purposes of referral under paragraph (1).

(3) CONSULTATION.—The Secretary shall consult with Indian Tribes, Native Hawaiian organizations, and the Native working group convened under section 8(a) before making a referral under paragraph (1).

(4) THIRD-PARTY EXPERTS.—The Secretary may use third parties with relevant expertise, including institutions of higher education, museums, dealers, and collector organizations, in determining to which Indian Tribe or Native Hawaiian organization an individual or organization should be referred under paragraph (1).

(d) LEGAL LIABILITY.—Nothing in this section imposes on any individual or entity any additional penalties or legal liability.

(e) TAX DOCUMENTATION.—In facilitating the voluntary return of tangible cultural heritage under this section, the Secretary shall include provision of tax documentation for a deductible gift to an Indian Tribe or Native Hawaiian organization, if the recipient Indian Tribe or Native Hawaiian organization consents to the provision of tax documentation.

(f) REPATRIATION UNDER NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT.—The voluntary return provisions of this section shall apply to a specific item of tangible cultural heritage only to the extent that the repatriation provisions under section 7 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3005) do not apply to the item of tangible cultural heritage.

#### SEC. 7. INTERAGENCY WORKING GROUP.

(a) IN GENERAL.—The Secretary shall designate a coordinating office to convene an interagency working group consisting of representatives from the Departments of the Interior, Justice, State, and Homeland Security.

(b) GOALS.—The goals of the interagency working group convened under subsection (a) are—

(1) to facilitate the repatriation to Indian Tribes and Native Hawaiian organizations of items that have been illegally removed or trafficked in violation of applicable law;

(2) to protect tangible cultural heritage, cultural items, and archaeological resources still in the possession of Indian Tribes and Native Hawaiian organizations; and

(3) to improve the implementation by the applicable Federal agencies of—

(A) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.) (including section 1170 of title 18, United States Code, as added by that Act);

(B) the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.); and

(C) other relevant Federal laws.

(c) RESPONSIBILITIES.—The interagency working group convened under subsection (a) shall—

(1) aid in implementation of this Act and the amendments made by this Act, including by aiding in—

(A) the voluntary return of tangible cultural heritage under section 6; and

(B) halting international sales of items that are prohibited from being trafficked under Federal law; and

(2) collaborate with—

(A) the Native working group convened under section 8(a);

(B) the review committee established under section 8(a) of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3006(a));

(C) the Cultural Heritage Coordinating Committee established pursuant to section 2 of the Protect and Preserve International Cultural Property Act (Public Law 114-151; 19 U.S.C. 2601 note); and

(D) any other relevant committees and working groups.

#### SEC. 8. NATIVE WORKING GROUP.

(a) IN GENERAL.—The Secretary shall convene a Native working group consisting of not fewer than 12 representatives of Indian Tribes and Native Hawaiian organizations with relevant expertise, who shall be nominated by Indian Tribes and Native Hawaiian organizations, to advise the Federal Government in accordance with this section.

(b) RECOMMENDATIONS.—The Native working group convened under subsection (a) may provide recommendations regarding—

(1) the voluntary return of tangible cultural heritage by collectors, dealers, and other individuals and non-Federal organizations that hold such tangible cultural heritage; and

(2) the elimination of illegal commerce of cultural items and archaeological resources in the United States and foreign markets.

(c) REQUESTS.—The Native working group convened under subsection (a) may make formal requests to initiate certain agency actions, including requests that—

(1) the Department of Justice initiate judicial proceedings domestically or abroad to aid in the repatriation cultural items and archaeological resources; and

(2) the Department of State initiate dialogue through diplomatic channels to aid in that repatriation.

(d) AGENCY AND COMMITTEE ASSISTANCE.—

(1) IN GENERAL.—On request by the Native working group convened under subsection (a), the agencies and committees described in paragraph (2) shall make efforts to provide information and assistance to the Native working group.

(2) DESCRIPTION OF AGENCIES AND COMMITTEES.—The agencies and committees referred to in paragraph (1) are the following:

(A) The Department of the Interior.

(B) The Department of Justice.

(C) The Department of Homeland Security.

(D) The Department of State.

(E) The review committee established under section 8(a) of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3006(a)).

(F) The Cultural Heritage Coordinating Committee established pursuant to section 2 of the Protect and Preserve International Cultural Property Act (Public Law 114-151; 19 U.S.C. 2601 note).

(G) Any other relevant Federal agency, committee, or working group.

(e) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Native working group convened under subsection (a).

#### SEC. 9. TREATMENT UNDER FREEDOM OF INFORMATION ACT.

(a) IN GENERAL.—Except as provided in subsection (c), the following information shall be exempt from disclosure under section 552 of title 5, United States Code:

(1) Information that a representative of an Indian Tribe or Native Hawaiian organization—

(A) submits to a Federal agency pursuant to this Act or an amendment made by this Act; and

(B) designates as sensitive or private according to Native American custom, law, culture, or religion.

(2) Information that any person submits to a Federal agency pursuant to this Act or an amendment made by this Act that relates to an item for which an export certification is denied under this Act.

(b) APPLICABILITY.—For purposes of subsection (a), this Act shall be considered a statute described in section 552(b)(3)(B) of title 5, United States Code.

(c) EXCEPTION.—An Indian Tribe or Native Hawaiian organization may request and shall receive its own information, as described in subsection (a), from the Federal agency to which the Indian Tribe or Native Hawaiian organization submitted the information.

#### SEC. 10. REGULATIONS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Secretary of State, the Secretary of Homeland Security, and the Attorney General, and after consultation with Indian Tribes and Native Hawaiian organizations, shall promulgate rules and regulations to carry out this Act.

(b) INCLUSION.—The regulations promulgated by the Secretary pursuant to subsection (a) shall include a reasonable deadline by which the Secretary shall approve or deny an export certification application under section 5(b).

#### SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act \$3,000,000 for each of fiscal years 2021 through 2026.

### ORDER OF BUSINESS

Mr. SCHUMER. Mr. President, I ask unanimous consent that upon the conclusion of morning business on January 25, the Senate proceed to executive session to consider the following nomination: Executive Calendar No. 2, the nomination of Janet Yellen to be the Secretary of the Treasury; further, that the time until 5:30 be equally divided between the two leaders or their designees, and that at 5:30 the Senate vote without intervening action or debate on the nomination; that if confirmed, the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

### ORDERS FOR MONDAY, JANUARY 25, 2021

Mr. SCHUMER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 3 p.m., Monday, January 25;

further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day and morning business be closed; finally, that following leader remarks, the Senate proceed to executive session to consider the Yellen nomination, as provided under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

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ADJOURNMENT UNTIL MONDAY,  
JANUARY 25, 2021, AT 3 P.M.

Mr. SCHUMER. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:11 p.m., adjourned until Monday, January 25, 2021, at 3 p.m.

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CONFIRMATION

Executive nomination confirmed by the Senate January 22, 2021:

DEPARTMENT OF DEFENSE

LLOYD JAMES AUSTIN, OF GEORGIA, TO BE SECRETARY OF DEFENSE.